

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

EB INTERNATIONAL, LLC

Plaintiff,

v.

**AGCS MARINE INSURANCE
COMPANY; VERICLAIM, INC.;
and JAY ADAME,**

Defendants.

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§
§
§
§
§
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§
§
§

Civil Action No. _____

JURY

EXHIBIT 1
TO DEFENDANTS' NOTICE OF REMOVAL:
ALL EXECUTED PROCESS IN THE CASE

In compliance with 28 U.S.C § 1446(a) and Local Rule 81, the Defendants submit the following citations in the case in support of their Notice of Removal in the above-referenced action:

- A. Citation served on Defendant VERICLAIM, INC. via certified mail to its registered agent for service of process on November 7, 2016
- B. Citation served on Defendant JAY ADAME via hand delivery on November 7, 2016¹
- C. Citation served on Defendant AGCS MARINE INSURANCE COMPANY via certified mail to its registered agent for service of process on December 20, 2016

¹ No executed return of service is on file for Defendant Jay Adame. He was served at his place of business on or about November 7, 2016. He has appeared and answered at this time.

Respectfully submitted,

MARTIN, DISIERE, JEFFERSON & WISDOM, L.L.P.

By: /s/ Christopher W. Martin

Christopher W. Martin

E-Mail: martin@mdjwlaw.com

State Bar No.: 13057620

808 Travis Street, 20th Floor

Houston, Texas 77002

Telephone: (713) 632-1700

Facsimile: (713) 222-0101

**ATTORNEY-IN-CHARGE
FOR DEFENDANTS**

OF COUNSEL FOR DEFENDANTS:

P. Wayne Pickering

Texas Bar No.: 15975030

pickering@mdjwlaw.com

MARTIN, DISIERE, JEFFERSON & WISDOM, L.L.P.

800 Travis Street, 20th Floor

Houston, Texas 77002

Telephone: (713) 632-1700

Facsimile: (713) 222-0101

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of January, 2017, a true copy of this document was electronically filed and that the counsel of record noted below designated as counsel to receive electronic service of all instruments filed herein were served on this date, per the mandatory electronic filing rules.

David DeGroot
THE DEGROOT LAW FIRM, PLLC
3827 N. 10th Street, Suite 304
McAllen, Texas 78501
[T] (956) 627-2787
[F] (956) 627-4363
Counsel for Plaintiff

/s/ P. Wayne Pickering

P. Wayne Pickering

EXHIBIT A

C-4530-16-B
93RD DISTRICT COURT, HIDALGO COUNTY, TEXAS

CITATION

STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

Vericclaim, Inc.

BY SERVING ITS REGISTERED AGENT: CT CORPORATION SYSTEM
1999 Bryan Street Suite 900
Dallas TX 75201-3136

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable Rodolfo "Rudy" Delgado, 93rd District Court** of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on this the 30th day of September, 2016 and a copy of same accompanies this citation. The file number and style of said suit being C-4530-16-B, **EB INTERNATIONAL, LLC, PLAINTIFF, VS. ALLIANZ GLOBAL CORPORATE & SPECIALTY, VERICLAIM, AND JAY ADAME,**

Said Petition was filed in said court by DAVID A. DEGROOT, 3827 N 10TH ST STE 304 MCALLEN TX 78501.

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 3rd day of October, 2016.

LAURA HINOJOSA, DISTRICT CLERK
100 N. CLOSNER, EDINBURG, TEXAS
HIDALGO COUNTY, TEXAS


NOEMI LAMAS, DEPUTY CLERK



C-4530-16-B
OFFICER'S RETURN

Came to hand on 11 of October, 2016 at 4:00 o'clock PM. and executed in Dallas County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the Plaintiff's Original (petition) at the following times and places, to-wit:

NAME	DATE	TIME	PLACE
Vericlear, Inc - CT Corporation System	11/07/16	8:41 A.M.	By Certified Mail See Attached Green Card

And not executed as to the defendant, _____ the diligence used in finding said defendant, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of said defendant, being: _____. I actually and necessarily traveled _____ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ _____
miles\$ _____

Joseph Gerlick
~~DEPUTY~~ Authorized Person

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**


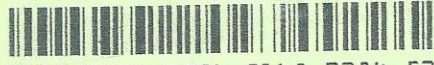
In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Joseph Gerlick, my date of birth is _____ and the address is _____, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in Dallas County, State of Texas, on the 7 day of November, 2016.

John Field
Declarant"

SCA3003 - 10/31/19
If Certified by the Supreme Court of Texas
Date of Expiration / SCH Number

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature  X	
1. Article Addressed to: Vericclaim, Inc. BY SERVING ITS REGISTERED AGENT: CT CORPORATION SYSTEM 1999 Bryan Street Suite 900 Dallas TX 75201-3136		B. Received by (Printed Name): Vericclaim, Inc.	C. Date of Delivery NOV 07 2016
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
 9590 9401 0096 5168 9284 52		E. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery	
2. Article Number (Transfer from service label) 7016 1370 0001 4618 8054		<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	
PS Form 3811, April 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

English

Customer Service

USPS Mobile



USPS Tracking®

Still Have Questions?

[Browse our FAQs ›](#)


Get Easy Tracking Updates ›
Sign up for My USPS.

Tracking Number: 70161370000146188054

Product & Tracking Information

Postal Product:

Features:

Certified Mail™

Available Actions

[Text Updates](#)
[Email Updates](#)

DATE & TIME

STATUS OF ITEM

LOCATION

November 7, 2016
8:41 am

Delivered

DALLAS, TX 75201

Your item was delivered at 8:41 am on November 7, 2016 in DALLAS, TX 75201.

November 4, 2016
9:52 am

Notice Left
(No Authorized Recipient Available)

DALLAS, TX 75201

November 4, 2016
5:01 am

Departed USPS Facility

DALLAS, TX 75260

November 3, 2016
3:07 pm

Arrived at USPS Facility

DALLAS, TX 75260

November 2, 2016
10:05 pm

Departed USPS Facility

MCALLEN, TX 78501

November 2, 2016
9:27 pm

Arrived at USPS Facility

MCALLEN, TX 78501

Track Another Package

Tracking (or receipt) number

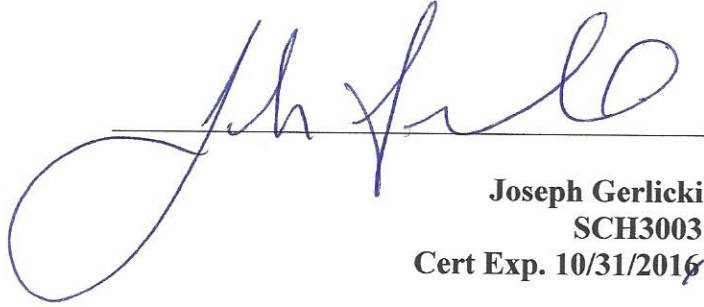
[Track It](#)

Manage Incoming Packages


C-4530-16-B

VERIFICATION

Before me, a notary public, on this day personally appeared Joseph Gerlicki, known to me to be the person whose name is subscribed on the return of service document and being by me first duly sworn states as follows: I am over the age of eighteen (18) years of age and am not a party to the above referenced lawsuit and I am not interested in the outcome of this lawsuit. I declare that the statement therein contained is true and correct to the best of my knowledge.


Joseph Gerlicki
SCH3003
Cert Exp. 10/31/2016⁹

Sworn and subscribed before me this the 21st day of November, 2016


Notary Public in and for
The State Of Texas

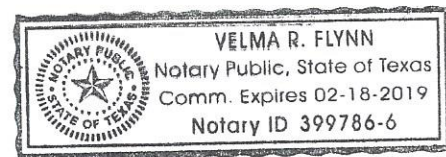


EXHIBIT B

C-4530-16-B
93RD DISTRICT COURT, HIDALGO COUNTY, TEXAS

CITATION

STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

Jay Adame
722 Morgan Blvd Suite M
Harlingen TX 78550

You are hereby commanded to appear by filing a written answer to the **PLAINTIFFS ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable Rodolfo "Rudy" Delgado, 93rd District Court** of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on this the 30th day of September, 2016 and a copy of same accompanies this citation. The file number and style of said suit being C-4530-16-B, **EB INTERNATIONAL, LLC, PLAINTIFF, VS. ALLIANZ GLOBAL CORPORATE & SPECIALTY, VERICLAIM, AND JAY ADAME,**

Said Petition was filed in said court by DAVID A. DEGROOT, 3827 N 10TH ST STE 304 MCALLEN TX 78501.

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

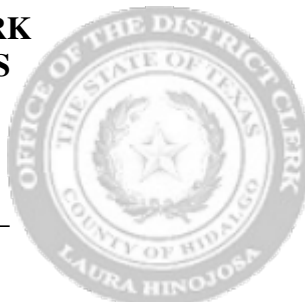
The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 3rd day of October, 2016.

LAURA HINOJOSA, DISTRICT CLERK
100 N. CLOSNER, EDINBURG, TEXAS
HIDALGO COUNTY, TEXAS

Noemi Lamas

NOEMI LAMAS, DEPUTY CLERK



C-4530-16-B
OFFICER'S RETURN

Came to hand on ____ of _____, 201____ at ____ o'clock ____m. and executed in _____ County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the _____ (petition) at the following times and places, to-wit:

NAME	DATE	TIME	PLACE

And not executed as to the defendant, _____ the diligence used in finding said defendant, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of said defendant, being: _____. I actually and necessarily traveled _____ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ _____
miles\$ _____

DEPUTY

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is _____, my date of birth is _____ and the address is _____, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in _____ County, State of Texas, on the ____ day of _____, 201____.

Declarant"

If Certified by the Supreme Court of Texas
Date of Expiration / SCH Number

EXHIBIT C

C-4530-16-B
93RD DISTRICT COURT, HIDALGO COUNTY, TEXAS

CITATION

STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

AGCS Marine Insurance Company
By Serving Its Registered Agent
CT Corporation System
1999 Bryan Street Suite 900
Dallas TX 75201-3136

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable Rodolfo "Rudy" Delgado, 93rd District Court** of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on this the 30th day of September, 2016 and a copy of same accompanies this citation. The file number and style of said suit being C-4530-16-B, **EB INTERNATIONAL, LLC, PLAINTIFF, VS. ALLIANZ GLOBAL CORPORATE & SPECIALTY, VERICLAIM, AND JAY ADAME,**

Said Petition was filed in said court by DAVID A. DEGROOT 3827 N 10TH ST STE 304 MCALLEN TX 78501.

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 7th day of December, 2016.

LAURA HINOJOSA, DISTRICT CLERK
100 N. CLOSNER, EDINBURG, TEXAS
HIDALGO COUNTY, TEXAS

ALESSANDRA GALVAN, DEPUTY CLERK

**C-4530-16-B
OFFICER'S RETURN**

Came to hand on 7 of December, 2016 at 8:00 o'clock P.m. and executed in Dallas County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the _____ (petition) at the following times and places, to-wit:

NAME	DATE	TIME	PLACE
See Green Card Attached	12/20/16	9:38 A.M.	By Certified Mail

And not executed as to the defendant, _____ the diligence used in finding said defendant, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of said defendant, being: _____. I actually and necessarily traveled _____ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ _____
miles\$ _____

Joseph Gerlicki

~~DEPUTY~~ Authorized Person

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Joseph Gerlicki, my date of birth is _____ and the address is _____, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in Dallas County, State of Texas, on the 20 day of December, 2016.

John Smith
Declarant"

SCH 3003 - 11-30-2019

**If Certified by the Supreme Court of Texas
Date of Expiration / SCH Number**

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature <u>[Signature]</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p>	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
AGCS Marine Insurance Company-Registered Agent: CT Corporation System 1999 Bryan Street Suite 900 Dallas TX 75201-3136		<u>Chavez</u>	<u>DEC 20 2016</u>
2. Article Addressed to:		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type		4. Service Type	
<input type="checkbox"/> Adult Signature		<input type="checkbox"/> Priority Mail Express®	
<input type="checkbox"/> Adult Signature Restricted Delivery		<input type="checkbox"/> Registered Mail™	
<input type="checkbox"/> Certified Mail®		<input type="checkbox"/> Registered Mail Restricted Delivery	
<input type="checkbox"/> Certified Mail Restricted Delivery		<input type="checkbox"/> Return Receipt for Merchandise	
<input type="checkbox"/> Collect on Delivery		<input type="checkbox"/> Signature Confirmation™	
<input type="checkbox"/> Collect on Delivery Restricted Delivery		<input type="checkbox"/> Signature Confirmation Restricted Delivery	
5. Article Number (Transfer from carrier label)		6. Article Number (Transfer from carrier label)	
7016 2140 0000 4795 1946		7016 2140 0000 4795 1946	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	



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Tracking Number: 70162140000047951946

Product & Tracking Information

Postal Product:

Features:

Certified Mail™

Available Actions

[Text Updates](#)

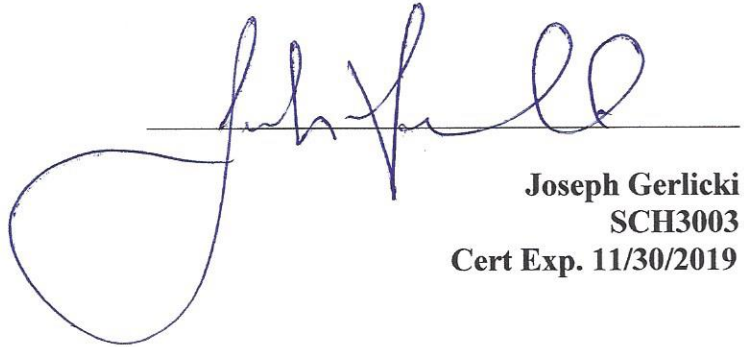
[Email Updates](#)

DATE & TIME	STATUS OF ITEM	LOCATION
December 20, 2016, 9:38 am	Delivered	DALLAS, TX 75201
Your item was delivered at 9:38 am on December 20, 2016 in DALLAS, TX 75201.		
December 20, 2016, 8:27 am	Notice Left (No Authorized Recipient Available)	DALLAS, TX 75201
December 19, 2016, 11:25 pm	Departed USPS Facility	DALLAS, TX 75260
December 18, 2016, 8:08 am	Arrived at USPS Facility	DALLAS, TX 75260
December 17, 2016, 8:07 pm	In Transit to Destination	
December 16, 2016, 11:05 pm	Departed USPS Facility	MCALLEN, TX 78501
December 16, 2016, 8:07 pm	Arrived at USPS Facility	MCALLEN, TX 78501
December 16, 2016, 11:34 am	Arrived at USPS Facility	MCALLEN, TX 78504

C-4530-16-B


VERIFICATION

Before me, a notary public, on this day personally appeared Joseph Gerlicki, known to me to be the person whose name is subscribed on the return of service document and being by me first duly sworn states as follows: I am over the age of eighteen (18) years of age and am not a party to the above referenced lawsuit and I am not interested in the outcome of this lawsuit. I declare that the statement therein contained is true and correct to the best of my knowledge.



Joseph Gerlicki
SCH3003
Cert Exp. 11/30/2019

Sworn and subscribed before me this the 9th day of January, 2017



Notary Public in and for
The State Of Texas

